

SENATE JOURNAL OF THE IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

THIRTY-NINTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 14, 2008

Senate Chamber

President Risch called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senator McKenzie, absent and formally excused by the Chair; and Senators Burkett, Cameron, Langhorst, Schroeder, Stegner, and Stennett, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Jason Andersen, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Burkett, Schroeder, Stegner, and Stennett were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 13, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions and Memorials

SCR 130

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

EXPRESSING FINDINGS OF THE LEGISLATURE AND REQUESTING THE GOVERNOR, THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF COMMERCE TO JOINTLY IDENTIFY ONE WEEK IN EACH CALENDAR YEAR TO CONDUCT OUTREACH AND EDUCATION ON THE INTERDEPENDENCE BETWEEN IDAHO'S URBAN

AND RURAL ECONOMIES, TO SEEK NEW OPPORTUNITIES FOR RURAL AND URBAN COLLABORATION AND TO ENCOURAGE INDIVIDUAL CITIES AND RURAL COMMUNITIES THROUGHOUT THE STATE TO CONDUCT SIMILAR OBSERVANCES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the social, cultural and economic interdependence that connects Idaho's rural and urban areas is both a historic strength of the state and an asset desirable to retain into the future; and

WHEREAS, the advance of technology to improve food, fiber and building material production, processing and marketing has only furthered the interdependence between the core economic forces in Idaho's urban and rural areas; and

WHEREAS, modern agricultural practices being implemented throughout Idaho's rural areas rely increasingly on microprocessors and advanced information-based technologies produced and available in Idaho's urban areas; and

WHEREAS, the core industrial market for microprocessors and information technologies is in applications required for the production, manufacturing, distribution or otherwise adding value to food, fiber or building materials purchased and used by consumers; and

WHEREAS, more than one in seven jobs in Idaho's urban areas are directly attributable to the production and processing of goods derived from Idaho's rural areas according to the State Fact Sheet--Idaho prepared by the United States Department of Agriculture Economic Research Services; and

WHEREAS, many opportunities exist for enhancing the economic strengths of the state of Idaho by furthering partnerships and collaborations between rural industries and the goods and services available in Idaho cities; and

WHEREAS, an opportunity to identify, promote, expand upon and celebrate Idaho's successful rural and urban partnerships will help to secure such successes into the future.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we request the Governor of the State of Idaho, the Idaho Department of Agriculture and the Idaho Department of Commerce to jointly identify one week each year in which to conduct outreach and education on the interdependence between Idaho's urban and rural economies, to seek new opportunities for rural and urban collaboration and to encourage individual cities and rural communities throughout the state to conduct similar observances.

SCR 130 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 13, 2008

The JUDICIARY AND RULES Committee reports out S 1357 and S 1362 with the recommendation that they do pass.

DARRINGTON, Chairman

S 1357 and **S 1362** were filed for second reading.

February 13, 2008

The **RESOURCES AND ENVIRONMENT** Committee reports out **S 1418**, **S 1352**, **S 1354**, and **S 1353** with the recommendation that they do pass.

SCHROEDER, Chairman

S 1418, **S 1352**, **S 1354**, and **S 1353** were filed for second reading.

February 13, 2008

The **RESOURCES AND ENVIRONMENT** Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Nate Fisher as Administrator of the Office of Species Conservation, term to expire at the pleasure of the Governor.

SCHROEDER, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 14, 2008

The **LOCAL GOVERNMENT AND TAXATION** Committee reports out **H 419** and **H 420** with the recommendation that they do pass.

HILL, Chairman

H 419 and **H 420** were filed for second reading.

February 14, 2008

The **COMMERCE AND HUMAN RESOURCES** Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Dean Buffington to the Idaho Endowment Fund Investment Board, term to expire April 11, 2011;

Senator Brad Little to the Idaho Endowment Fund Investment Board, term to expire April 11, 2011.

ANDREASON, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

Senators Cameron and Langhorst were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

The President called President Pro Tempore Geddes to the Chair.

February 13, 2008

Mr. President:

I transmit herewith **H 386**, **H 400**, **H 445**, **H 392**, **H 393**, **H 394**, **H 440**, **H 378**, **H 399**, **H 409**, **H 429**, **H 457**, **HCR 37**, **H 414**, and **H 388** which have passed the House.

ALEXANDER, Chief Clerk

H 386, **H 400**, **H 445**, **H 392**, **H 393**, **H 394**, **H 440**, **H 378**, **H 399**, **H 409**, **H 429**, **H 457**, **HCR 37**, **H 414**, and **H 388** were filed for first reading.

February 13, 2008

Mr. President:

I return herewith **S 1346**, **S 1347**, **S 1246**, **S 1247**, **S 1358**, **SJM 109**, **S 1284**, and **S 1338**, which have passed the House.

ALEXANDER, Chief Clerk

S 1346, **S 1347**, **S 1246**, **S 1247**, **S 1358**, **SJM 109**, **S 1284**, and **S 1338** were referred to the Judiciary and Rules Committee for enrolling.

February 13, 2008

Mr. President:

I transmit herewith Enrolled **H 355**, **H 361**, and **H 362** for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled **H 355**, **H 361**, and **H 362** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President Pro Tempore announced the Health and Welfare Committee report relative to the Gubernatorial appointment of Travis Beck was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Bair, seconded by Senator Kelly, the Gubernatorial appointment of Travis Beck as a member of the Idaho Commission for the Blind and Visually Impaired was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Jody Olson was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Andreason, seconded by Senator Werk, the Gubernatorial appointment of Jody Olson as a member of the Board of the Public Employee Retirement System of Idaho was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1429

BY FINANCE COMMITTEE

AN ACT

RELATING TO EDUCATION; REPEALING SECTION 33-3805A, IDAHO CODE, RELATING TO PROCEDURE PRIOR TO AUTHORIZATION.

S 1430

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO CRIMINAL PROCEDURE AND DISPOSAL OF PROPERTY ILLEGALLY HELD BY A DEFENDANT; AMENDING CHAPTER 38, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-3808, IDAHO CODE, TO PROVIDE FOR CONFISCATION AND DISPOSAL OF COMPUTER DEVICES AND DIGITAL MEDIA USED IN THE COMMISSION OF OR IN AIDING IN THE COMMISSION OF A FELONY, TO DEFINE TERMS, TO PROVIDE FOR NOTICE, TO PROVIDE FOR FILING A CLAIM, TO SET FORTH TERMS OF THE HEARING AND TO PROVIDE FOR DISPOSITION OF THE PROPERTY.

S 1431

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO LIENS AND FORECLOSURES; AMENDING TITLE 45, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 16, TITLE 45, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS, TO PROVIDE FOR CERTAIN CONTRACTS IN WRITING, TO PROVIDE FOR NOTICE RELATING TO MORTGAGE FORECLOSURE, TO PROVIDE FOR RIGHT OF CONTRACT RESCISSION AND TO PROVIDE PENALTIES; AND AMENDING SECTION 45-1505, IDAHO CODE, TO PROVIDE FOR NOTICE RELATING TO MORTGAGE FORECLOSURE.

S 1429, S 1430, and S 1431 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 386, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Finance Committee.

H 400, by Education Committee, was introduced, read the first time at length, and referred to the Finance Committee.

H 445, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 392, H 393, and H 394, by Agricultural Affairs Committee, were introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

H 440, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

H 378, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 399, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

H 409, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 429, by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 457, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

HCR 37, by Resources and Conservation Committee, was introduced, read at length, and referred to the Resources and Environment Committee.

H 414, by Commerce and Human Resources Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 388, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1380, S 1394, and S 1395, by Commerce and Human Resources Committee, were read the second time at length and filed for third reading, Consent Calendar.

H 387 and **H 360**, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

S 1318, as amended, and **S 1339**, as amended, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

S 1321, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

S 1324, as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1256, as amended, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:09 a.m. until the hour of 10:30 a.m., Friday, February 15, 2008.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary